

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MATTHEW G. SILVA,

Plaintiff,

v.

WASHINGTON STATE  
DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

NO. CV-08-5017-RHW

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS; CLOSING FILE**

Before the Court is Defendants' Motion to Dismiss (Ct. Rec. 20). The motion has been pending before the Court since October 2, 2008. Rather than respond to the motion, Plaintiff filed a motion for an extension of time to respond and a motion to stay. On August 5, 2009, the Court ordered Plaintiff to file his response to Defendants' Motion to Dismiss, within two weeks from the Order (Ct. Rec. 55). Plaintiff has not filed any response. In the Order, the Court notified Plaintiff that failure to file a response will result in the motion being granted.

Accordingly, **IT IS HEREBY ORDERED:**

1. Pursuant to the Court's Order, Defendants' Motion to Dismiss (Ct. Rec. 20) is **GRANTED**.

2. The above-captioned case is **dismissed**, for failure to prosecute.

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**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS; CLOSING  
FILE ~ 1**

1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order, forward copies to Plaintiff and counsel, and **close the file.**

3       **DATED** this 29th day of September, 2009.  
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5                               *s/Robert H. Whaley*

6                               ROBERT H. WHALEY  
7                               United States District Judge  
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